

**PHYSICAL THERAPIST AFFILIATED CREDENTIALING BOARD
JULY 9, 2009
MINUTES**

PRESENT: Otto Cordero; Enid Mistele; Larry Nosse; Mark Shropshire; and Jane Stroede

STAFF: Gail Sumi, Bureau Administrator; Michael Berndt, General Counsel; and Rebecca McAtee, Bureau Assistant

GUESTS: Jason Johns, WPTA

CALL TO ORDER

Mark Shropshire, Board Chair, called the meeting to order at 8:30 a.m.

APPROVAL OF AGENDA

MOTION: Otto Cordero moved, seconded by Enid Mistele, to approve the agenda as written. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 12, 2009

Amendments:

- Page 6: Enid Mistele and Jane Stroede are the screening panel members. Mark Shropshire serves as an alternate.
- Page 6: Administrative report should read “legal counsel was available on an as needed basis”

MOTION: Enid Mistele moved, seconded by Jane Stroede, to approve the minutes of March 12, 2009 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT – GAIL SUMI

Gail Sumi introduced herself to the board and discussed changes to the staff in Board Services including the merger of Legal Services and Board Services within the Department and the new structure under the Medical Examining Board bureau. Gail Sumi also discussed cost-saving efforts of the Department, including electronic agendas, teleconferences to replace in-person meetings, and e-credentialing.

The Board discussed the option of meeting with the medical board semi-annually as included as a provision within the statutes with neither board requesting this at this time. Otto Cordero raised the question about what happens in terms of legal representations if a conflict of interest should arise under the new structure of the Medical Board due to

potential competing interests between boards. Michael Berndt indicated representation is routinely reassigned in such instances.

DESIGNATE A SECOND ALTERNATE TO ATTEND THE 2009 FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY (FSBPT) ANNUAL MEETING

MOTION: Otto Cordero moved, seconded by Enid Mistele, to empower the Chair to appoint individuals to serve as delegate and alternate to attend the 2009 Federation of State Boards of Physical Therapy (FSBPT) Annual meeting September 30 – October 4, 2009 at Loews Coronado Bay Resort, San Diego, California. Motion carried unanimously.

CREDENTIALING LIAISON REPORT – LARRY NOSSE, JANE STROEDE DISCUSSION OF THE TWO CATEGORIES OF LICENSURE APPLICANTS

Larry Nosse discussed issues surrounding the endorsement of physical therapists coming in from out of state that have less than three (3) years of experience and are therefore treated as new graduates. The same is true of foreign trained licensees. One of the issues with this is the CE element, because new graduates are exempt from CE requirements for new licensure. This relates to an issue of continuing competence as has been discussed on the national level within the FSBPT. The Board credentialing liaisons will provide recommendations for how these issues should be addressed to the Department which may include drafting of administrative rules.

Larry Nosse presented a decision tree to use for deliberations regarding people retaking the NPTE or NPTAE exams.

2007 CONTINUING EDUCATION AUDIT REPORT

Mark Shropshire reviewed the history of the random audit procedure under PT 9.05. The Board moved to request a random audit of continuing education of five (5) percent of PT and PTA license holders during their November 29, 2007 meeting. The Board discussed taking action against those individuals that have not met the requirement of fulfilling their continuing education hours or that are not responding to the audit.

MOTION: Enid Mistele moved, seconded by Jane Stroede, as a result of the 2007/2008 PT/PTA audit the Board accept the surrender of licenses PT 189-024, PT 439-024, PT 965-024, and PT 2436-024 pending confirmation from Legal Counsel and the Board Administrator with input from the credentialing liaison as needed. Motion carried unanimously.

MOTION: Jane Stroede moved, seconded by Otto Cordero, as a result of the 2007/2008 PT/PTA audit for the Board to accept the result confirming that CE was acceptable for PT2757-024 pending

confirmation from Legal Counsel and the Board Administrator with input from the credentialing liaison as needed. Motion carried unanimously.

MOTION: Otto Cordero moved, seconded by Enid Mistele, as a result of the 2007/2008 PT/PTA audit for licenses PTA 976, PTA 1145, PT 5084-024 to be referred to the Division of Enforcement for potential disciplinary action pending confirmation from Legal Counsel and the Board Administrator with input from the credentialing liaison as needed. Motion carried unanimously.

MOTION: Otto Cordero moved, seconded by Enid Mistele, to authorize the Division Administrator to sign for the Board for the surrender of licenses. Motion carried unanimously.

Travel requests received in the bureau after mailing of agenda

None.

Presentation of proposed stipulations that may be received in the bureau after mailing of agenda

None.

Presentation of petitions for summary suspension received in the bureau after mailing of the agenda

None.

Presentation of proposed decisions that may be received in the bureau after mailing of agenda

None.

Petitions for re-hearing that may be received in the bureau after mailing of agenda

None.

Requests for disciplinary proceeding presentations received in the bureau after mailing of agenda

None.

Appearances from requests received after mailing of the agenda

None.

**STATUS OF AB 275, RELATING TO PHYSICAL THERAPISTS AFFILIATED
CREDENTIALING BOARD**

Jason Johns, WPTA lobbyist, provided an update on AB 275. The bill is currently in the Health Committee chaired by Representative Richards. This bill will not be affected by

the creation of the Medical Board bureau. Statutorily, the only change to the Physical Therapy Affiliated Credentialing Board due to AB 275 would be a change in the name of the board. The duties and responsibilities of the board would remain the same.

BOARD DISCUSSION OF DRY NEEDLING

Statute 448.50 (6) allows for “therapeutic intervention” within the scope of physical therapy. Larry Nosse discussed the use of dry needling as a therapeutic technique. This process uses sterile techniques, the surface skin is cleaned, it does not draw blood, and the physical therapists are trained in blood-body precautions. Mark Shropshire noted that the American Academy of Orthopedic and Manual Physical Therapists has made a position statement that dry needling is within the scope of practice of physical therapy. California, Nevada, Tennessee, and Florida do not allow this technique within the scope of practice within physical therapy because these states have language noting that PTs cannot puncture the skin.

MOTION: Otto Cordero moved, seconded by Jane Stroede, that the Board considers trigger point dry needling as within the scope of practice of physical therapy provided that the licensed physical therapist is properly educated and trained. Motion carried unanimously.

MEB REGULATORY DIGEST

Gail Sumi gave an update to the board on the status of the Medical Regulatory Digest. The digest will be provided by email to specific health-related license holders. Statewide organizations will also be able to subscribe to the digest. The goal is to provide for a deterrent for physicians to offend and educate the profession on regulatory changes.

PRACTICE QUESTIONS

Noted

INFORMATIONAL ITEMS

Otto Cordero noted a request from the FSBPT for volunteers to go to Alexandria and participate in a workshop regarding standards of orthopedic practice in September.

CONTINUING EDUCATION AND EXAMINATION ISSUES

Questions Relating to Organizations Authorized to Approve/Sponsor CE

Nicole Goodman discussed a question raised regarding whether course approval from the Wisconsin Society for Healthcare Education and Training (WISHET), Board of Certification (BOC) or the Wisconsin Nurses Association (WNA) are considered

“acceptable health-related organizations” as provided in Table PT 9.04 (b). The board noted that in this case, accreditation from these organizations is acceptable.

Consideration of Designation of CE Liaison

The education liaisons, Jane Stroede and Larry Nosse, will function as the CE liaisons.

**CONTINUING EDUCATION AND EXAMINATION ISSUES THAT MAY BE
RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

None

**APPLICATION ISSUES THAT MAY BE RECEIVED IN THE BUREAU AFTER
MAILING OF AGENDA**

None

PUBLIC COMMENTS

Jason Johns, WPTA, updated the board on current legislation affecting the profession and noted that Michele Thorman has applied with the governor’s office to be a member of the Board. The WPTA conference will be meeting in Madison in October during the same time frame as the next scheduled Physical Therapy Affiliated Credentialing Board meeting. The Board congratulated Jane Stroede on her reappointment.

CLOSED SESSION

MOTION: Jane Stroede moved, seconded by Larry Nosse, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Otto Cordero-yes; Enid Mistele-yes; Larry Nosse-yes; Mark Shropshire-yes; and Jane Stroede-yes. Motion carried unanimously by roll call vote.

The Board convened into closed session at 11:23a.m.

**RECONVENE INTO OPEN SESSION IMMEDIATELY
FOLLOWING CLOSED SESSION**

MOTION: Jane Stroede moved, seconded by Larry Nosse, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 11:52a.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED IN CLOSED SESSION
IF VOTING IS APPROPRIATE**

CONSIDER CLOSING CASE # 06PHT009 AND CASE # 07PHT004

MOTION: Larry Nosse moved, seconded by Otto Cordero, to close case #07PHT004 due to insufficient evidence and refer the case to the Athletic Training Affiliated Credentialing Board. Motion carried, Enid Mistele abstained.

MOTION: Jane Stroede moved, seconded by Otto Cordero, to close case #06PHT009 due to insufficient evidence. Motion carried, Enid Mistele abstained.

Deliberation of monitoring reports received in the bureau after mailing of the agenda

None.

Deliberation of proposed stipulations that may be received in the bureau after mailing of agenda

None.

Deliberation of proposed decisions that may be received in the bureau after mailing of the agenda

None.

Deliberation of petitions for summary suspension that may be received in the bureau after mailing of the agenda

None.

Deliberation of proposed administrative warning(s) that may be received in the bureau after mailing of the agenda

None.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT/CASE CLOSINGS

MOTION: Otto Cordero moved, seconded by Larry Nosse, to close case #07PHT005 due to insufficient evidence. Motion carried unanimously.

Consulting With Legal Counsel

None.

Education and Examination Issues that may be received in the bureau after mailing of agenda

None.

Application Issues that may be received in the bureau after mailing of agenda

None.

VALIDATION OF EXAMINATION SCORES

MOTION: Otto Cordero moved, seconded by Jane Stroede, to validate the examination scores for July 8, 2009 and issue a license when all requirements for licensure are met. Motion carried unanimously

ADJOURNMENT

MOTION: Jane Stroede moved, seconded by Enid Mistele, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:55 a.m.

CLOSED SESSION - SCREENING (as needed) – screen informal complaints

CLOSED SESSION – EXAM DEVELOPMENT (as needed)